

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-00430-BO

U.S. Tobacco Cooperative, Inc.,

Plaintiff,

v.

**Certain Underwriters at Lloyd's
Subscribing to Policy Numbers
B1353DC1703690000 and
B1353DC1602041000,**

Defendants.

Order

Defendant Underwriters have sought an extension of time to respond to Plaintiff U.S. Tobacco Cooperative, Inc.'s Motion for Sanctions. They filed their motion after the time to respond expired, so the Federal Rules require them to show excusable neglect for their failure to meet the response deadline. Fed. R. Civ. P. 6(b)(1)(B). Their asserted reason for their delinquency, the negligence of their attorney, does not qualify as excusable neglect.

But given the severe nature of the sanctions sought by USTC, the court will grant the motion and give the Underwriters an opportunity to be heard on this potentially case dispositive issue. So the court grants the motion in part. D.E. 95. The Underwriters may submit a response to USTC's Motion for Sanctions no later than Friday, July 23, 2021. The court will not authorize any further extensions. The Underwriters should be sure to address why, given the standard principles of agency law, they should not be held responsible for their attorney's conduct. *See, e.g., Cadet v. Fla. Dep't. of Corr.*, 853 F.3d 1216, 1229-34 (11th Cir. 2017).

Dated: July 15, 2021



Robert T. Numbers, II
United States Magistrate Judge